

Informative Digestive/Policy Statement Overview

Current regulations establish a Nearshore Fishery Permit for the take of the following nearshore fish species: cabezon, California scorpionfish, California sheephead, kelp and rock greenling, black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish; and a moratorium on the issuance of new permits. For the purpose of developing a restricted access program for this fishery control dates of December 31, 1999 for participation and October 20, 2000 for gear endorsements are also established.

The proposed regulatory changes would establish a restricted access program for the nearshore species listed above. The proposed restricted access program would be individual-based, with transferable and non-transferable permits. The allowable gears would be restricted to line gears unless the permittee qualifies for an endorsement of another gear type. Other proposed regulations would establish methods of transferability, initial application and renewal deadlines, an appeal process for the denial of a permit application, renewal or transfer, and fees for a permit and permit transfers. A permit for incidental take in other fisheries, as well as day or trip limits are also proposed.

The Department has developed options for three or four regional management areas. In the three region option the North Coast Region would extend from the California/Oregon border to Cape Mendocino; the Central Coast Region from Cape Mendocino to [Point Arguello or Point Conception]; and the South Coast Region from [Point Arguello or Point Conception] to the California/Mexico border. The four region option splits the Central Coast Region at Point Año Nuevo into a North-Central Coast Region and a South-Central Coast Region.

The options for a transferable permit in a regional management area require the possession of a 2002-2003 Nearshore Fishery Permit and qualifying landings in that specific regional management area. The proposed qualifying landing period is January 1, 1994 through December 31, 1999. Options for additional qualifying criteria include number of years with a minimum level of landings (ranging from 100 to 1,000 pounds of nearshore landings in each of 1 to 3 years), the value of qualifying landings calculated as a minimum average price per pound (ranging from \$0.01 to \$3.50 per pound), recent participation in the fishery (at least one landing in either 2000 or 2001), and years of participation (ranging from 1 to 6 years with at least one nearshore landing).

The proposed non-transferable permit in a management area requires that the fisherman have been a licensed commercial fisherman in California for 20 years and have qualifying landings in that specific management area in either any one of those license years or one of the years between 1994 and 1999.

A range of capacity goals (the desired number of permits) is proposed for each management area for transferable permits. The non-transferable permits satisfy the provisions of Fish and Game Code Section 8101 (grandfather clause) and contribute to attrition.

- C North Coast Region: 4-14 transferable permits
- C Central Coast Region: 9-40 transferable permits
- C South Coast Region: 5-45 transferable permits

Under the four region option the proposed capacity goals are:

- C North Coast Region: 4-14 transferable permits
- C North-Central Coast Region: 3-15 transferable permits
- C South-Central Coast Region: 6-25 transferable permits
- C South Coast Region: 5-45 transferable permits

There are two proposed options for transferability. Under the moratorium option no permits could be transferred for the first two years of the program. If, after two years, the number of permits in any regional management area still exceeds the capacity goal, a permit transfer system would be utilized. A permit transfer system requires a person to purchase two or three permits, retiring all but one which the person receives. If the person wants to fish with trap or trawl gear, at least one of the permits purchased has to have the appropriate gear endorsement. When the number of permits drops below the capacity goal in any region, the individual with an active, non-transferable Nearshore Fishery Permit and the greatest number of landings in the 6 year qualifying period would receive a permit and his non-transferable permit would be retired. When all non-transferable permits in a region are retired, permit transfers would be allowed to any qualified fisherman.

The proposed regulations would permit the estate of a deceased permittee to apply, via notarized letter within one year of the permittee's death, to keep the Nearshore Fishery Permit only for the purpose of transferring the permit. The provisions of transferability as described above would apply to these transfers also. It is proposed that transfer of the permit to a partner or immediate family member would not require the purchase of multiple permits.

This program proposes limiting the allowable gear to hook-and-line gear. The use of traps or trawl gear would require a gear endorsement attached to the permit. Qualifying criteria for a trap endorsement includes possession of a general trap permit or finfish trap permit and may include other criteria such as the majority of landings were made with trap gear or years with a minimum level of landings, the value of landings, recent participation in the fishery, and years of participation. Qualifying criteria for a trawl endorsement include that the majority of landings were made with

trawl gear.

Regional Nearshore Fishery Permits are proposed to be renewed annually. For transferable Nearshore Fishery Permits the proposed range of fees is from \$125 to \$1200. The proposed fee for non-transferable Nearshore Fishery Permits is from \$125 to \$1200. Proposed transfer fees range from \$250 to \$1000. The proposed fee for a gear endorsement or transfer of a gear endorsement ranges from \$30 to \$75. The proposed fee for a Nearshore Fishery Bycatch Permit ranges from \$50 to \$250.

Under the proposed regulations, applications for initial issuance of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before June 30, 2003. Applications for initial issuance of a Nearshore Fishery Permit received July 1 through July 31, 2003 shall be considered late and will be assessed a \$50 late fee. Applications received after July 31, 2003 will not be considered.

Under the proposed regulations, applications for renewal of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before April 30 of each year. Applications for permit renewal of a Nearshore Fishery Permit received May 1 through May 31 shall be considered late and will be assessed a \$50 late fee. Applications received after May 31 not be considered, and the permit shall be cancelled and shall no longer be eligible for renewal in subsequent years.

The proposed nearshore fishery permit shall be revoked: a) if the person fails to renew the permit annually or renew his or her commercial fishing license issued pursuant to Fish and Game Code Section 7852; or b) for violation of any fish and game regulation pertaining to the take of nearshore species or violation of the terms or conditions of the permit.

The proposed regulations would provide that any applicant who is denied initial issuance, renewal, or transfer of a nearshore fishery permit or gear endorsement may appeal that denial to the Department in writing describing the basis for the appeal. If the Department denies the appeal, an appeal may be made to the Commission.

The regulations propose that at least one Nearshore Fishery Permit holder shall be on board the vessel when taking, possessing or landing nearshore fish stocks. If a support vessel is used, one permit holder shall be on each vessel.

The proposed regulations would provide that no person may take or land nearshore fish stocks on board a boat without either a Nearshore Fishery Permit or Nearshore

Fishery Bycatch Permit. Eligibility for a Nearshore Fishery Bycatch Permit would require possession of a 2002-2003 Nearshore Fishery Permit, and that the person is not eligible, based on the qualifying criteria, for a 2003-2004 Nearshore Fishery Permit or is eligible but unwilling to convert to the allowable gear. It is proposed that only gear allowed under the Nearshore Fishery Bycatch Permit would be trawl or gill nets. Additionally, day or trip limits ranging from 1 to 100 pounds have been proposed.

Regulatory Language

Section 150 Nearshore Fishery Permits, Title 14, CCR, is amended to read:

§150. Nearshore Fishery Permits Restricted Access Program.

~~(a) Notwithstanding Section 8587, Fish and Game Code, Nearshore Fishery Permits shall be issued only to persons who have previously held a valid 2000-2001 Nearshore Fishery Permit, and have made landings that cumulatively total 100 pounds of any of the nine nearshore species for which a Nearshore Fishery Permit is required as defined in Section 150.01, between January 1, 1994 and December 31, 2000 as documented by department landing receipts in their name and commercial fishing license number.~~

~~(b) Renewal. On and after April 1, 2001, applications for renewal of Nearshore Fishery Permits must be received by the department or must be postmarked no later than June 30 of each permit year. Each application must be accompanied by evidence that the qualification requirements specified in subsection (a) above have been met. Applications postmarked or presented after June 30 and before August 1 will be assessed a \$50 late fee. Applications postmarked or presented after July 31 will not be considered.~~

~~(1) Any applicant who is denied renewal of a Nearshore Fishery Permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than September 30 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.~~

~~(e) Restricted Access. A control date of December 31, 1999 is established for the purpose of developing a limited restricted access nearshore fishery. Only persons possessing a valid Nearshore Fishery Permit as of December 31, 1999 will be considered for inclusion in a future the restricted access nearshore fishery.~~

(a) The following regulations establish qualifications for issuance of Nearshore Fishery Permits regionally that authorize the holder to take nearshore fish stocks as described in Section 150.01, Title 14, CCR. The regulations also establish the process for permit renewal, transfer and appeals, as well as, gears used to take nearshore fish stocks.

(b) Qualifications of Permittee. Effective April 1, 2003, no person shall take, possess aboard a boat or land any of the nearshore fish stocks as described in Section 150.01, Title 14, CCR, within a regional management area described in Section 52.04, Title 14, CCR, unless that person has a valid Nearshore Fishery Permit for that regional management area that has not been suspended or revoked except as provided for in Section 150.05, Title 14, CCR.

Option A - permit for only one regional management area

The department shall issue a Nearshore Fishery Permit for a regional management area described in Section 52.04, Title 14, CCR, to each nearshore fishery permittee

who meets the regional qualifying criteria below. A person will receive only one Nearshore Fishery Permit for use in only one regional management area. A person meeting the qualifications for more than one regional management area, must make a permanent, irrevocable decision prior to obtaining a Nearshore Fishery Permit for the 2003-2004 permit year to fish in one regional management area. The permit shall not be changed to another regional management area under any circumstances.

Option B - permit for more than one regional management area
The department shall issue a Nearshore Fishery Permit (FG1325 (1/02)) for a regional management area described in Section 52.04, Title 14, CCR, to each Nearshore Fishery Permittee who meets the regional Nearshore Fishery Permit qualifying criteria below.

(1) Nearshore Fish Stocks Used for Landings Qualification. The following names or market categories and their associated codes as recorded on department fish landing receipts pursuant to Fish and Game Code Section 8043, will be used to determine eligibility: black-and-yellow rockfish (251), cabezon (261), California scorpionfish (260), California sheephead (145), China rockfish (258), gopher rockfish (263), grass rockfish (652), greenlings of the genus *Hexagrammos* (290), kelp rockfish (659), group nearshore rockfish (973) and group gopher rockfish (962).

Option C - Three regional management areas

(2) North Coast Region. The person has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and who satisfies the landings and participation requirements below:

Option C1 - north coast regional management area qualifying with minimum landings level, landings value, and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the

holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

Option C2 - north coast regional management area qualifying
with minimum landings level and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

Option C3 - north coast regional management area
qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(3) Central Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements of either (A) or (B) below:

Option C4 - central coast regional management area qualifying with
minimum landings level, landings value, and recent participation

(A) Qualifications based on landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between the southern border of the North Coast Region as

defined in Section 52.04, Title 14, CCR, and a line extending due west true from Point Ano Nuevo, San Mateo County, and include:

(1) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.50] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year or:

(B) Qualifications based on landings of nearshore fish stocks as described in Section 150.01 Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between a line extending due west true from Point Ano Nuevo, San Mateo County, and the northern boundary of South Coast Region as defined in Section 52.04, Title 14, CCR and include:

(1) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year, and

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess, and land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

Option C5 - central coast regional management area qualifying
with minimum landings level and recent participation

(A) Qualifications based on landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between the southern border of the North Coast Region as defined in Section 52.04, Title 14, CCR, and a line extending due west true from Point Ano Nuevo, San Mateo County, and include:

(1) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year, or:

(B) Qualifications based on landings of nearshore fish stocks as described in Section 150.01 Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between a line extending due west true from Point Ano Nuevo,

San Mateo County, and the northern boundary of South Coast Region as defined in Section 52.04, Title 14, CCR and include:

(1) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

Option C6 - central coast regional management area qualifying with minimum landings level, years of participation, value and recent participation

(A) Qualifications based on landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between the southern border of the North Coast Region as defined in Section 52.04, Title 14, CCR, and a line extending due west true from Point Ano Nuevo, San Mateo County, and include:

(1) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in at least one calendar year during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.50] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year, or:

(B) Qualifications based on landings of nearshore fish stocks as described in Section 150.01 Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between a line extending due west true from Point Ano Nuevo, San Mateo County, and the northern boundary of South Coast Region as defined in Section 52.04, Title 14, CCR and include:

(1) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(1) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(2) landings of nearshore fish stocks used to qualify must have been made at

ports located in that part of the Central Coast Region between and a line extending due west true from Point Ano Nuevo, San Mateo County, and the northern border of the South Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

Option C7 - central coast regional management area qualifying with minimum landings level, years of participation, and recent participation

(A) Qualifications based on landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between the southern border of the North Coast Region as defined in Section 52.04, Title 14, CCR, and a line extending due west true from Point Ano Nuevo, San Mateo County, and include:

(1) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] one calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year or:

(B) Qualifications based on landings of nearshore fish stocks as described in Section 150.01 Title 14, CCR, must have been made at ports located in that part of the Central Coast Region between a line extending due west true from Point Ano Nuevo, San Mateo County, and the northern boundary of South Coast Region as defined in Section 52.04, Title 14, CCR and include:

(1) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(2) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

Option C8 - central coast regional management area
qualifying with recent participation only

(3) Central Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements below:

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the Central Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

(4) South Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements below:

Option C9 - south coast regional management area qualifying with minimum landings level, landings value and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option C10 - south coast regional management area qualifying

with minimum landings level and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option C11 - south coast regional management area
qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option C12 - south coast regional management area qualifying with
minimum landings level, years of participation, value and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as

described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option C13 - south coast regional management area qualifying with minimum landings level, years of participation, and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(5) Initial Qualification for 20-year California Commercial Fishermen. During the initial year of the nearshore restricted access program, any person who has been licensed as a California commercial fisherman for at least 20 years at the time of application, and who does not qualify for a permit in (b)(2), (3), or (4) above, and who has participated in the commercial nearshore fishery for at least one of those years as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, upon application shall be issued a Non-Transferable Nearshore Fishery Permit for one regional management area, based on the following minimum landing requirements in either subdivision (A), (B), or (C) below:

(A) has landed at least [100 to 1,500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(5)(A) are designated Non-Transferable North Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(B) has landed at least [100 to 3,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the Central Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(5)(B) are designated Non-Transferable Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the Central Coast Region only.

(C) has landed at least [100 to 1,500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(5)(C) are designated Non-Transferable South Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(c) Capacity Goal. The capacity goal for each nearshore regional management area is as follows: [4 to 14] North Coast Region Nearshore Fishery Permits, [9 to 40] Central Coast Region Nearshore Fishery Permits, and [5 to 45] South Coast Region Nearshore Fishery Permits. The capacity goal for Non-Transferable Nearshore Fishery Permits is zero.

Option D - Four regional management areas

(1) Nearshore Fish Stocks Used for Landings Qualification. The following names or market categories and their associated codes as recorded on department fish landing receipts pursuant to Fish and Game Code Section 8043 will be used to determine eligibility: black-and-yellow rockfish (251), cabezon (261), California scorpionfish (260), California sheephead (145), China rockfish (258), gopher rockfish (263), grass rockfish (652), greenlings of the genus *Hexagrammos* (290), kelp rockfish (659), group nearshore rockfish (973) and group gopher rockfish (962).

(2) North Coast Region. The person has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and who satisfies the landings and participation requirements below:

Option D1 - north coast regional management area qualifying with minimum landings level, landings value and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to

1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

Option D2 - north coast regional management area qualifying
with minimum landings level and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

Option D3 - north coast regional management area
qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to Section (b)(2) are designated North Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(3) North-Central Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements below:

Option D4 - north-central coast regional management area qualifying with minimum landings level, landings value and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.50] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

Option D5 - north-central coast regional management area qualifying with minimum landings level and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

Option D6 - north-central regional management area qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are

designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

Option D7 - north-central coast regional management area qualifying with minimum landings level, years of participation, value and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$2.50] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

Option D8 - north-central coast regional management area qualifying with minimum landings level, years of participation, and recent participation

(A) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(3) are designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

(4) South-Central Coast Region. The person has landed nearshore fish stocks

as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-03 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements below:

Option D9 - south-central coast regional management area qualifying with minimum landings level, landings value, and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

Option D10 - south-central regional management area qualifying with minimum landings level and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

Option D11 - south-central coast regional management area

qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

Option D12 - south-central coast regional management area qualifying with minimum landings level, years of participation, value and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

Option D13 - south-central coast regional management area qualifying with minimum landings level, years of participation, and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(4) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

(5) South Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and who satisfies the landing and participation requirements below:

Option D14 - south coast regional management area qualifying with minimum landings level, landings value, and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(5) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option D15 - south coast regional management area
qualifying with minimum landings level and recent participation

(A) has landed at least [1 to 1,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (b)(5) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as

described in Section 150.01, Title 14, CCR, in the South Coast Region only.

Option D16 - south coast regional management area
qualifying with recent participation only

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(B) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(C) Nearshore Fishery Permits issued pursuant to subsection (b)(5) are designated South Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(6) Initial Qualification for 20-year California Commercial Fishermen. During the initial year of the nearshore restricted access program, any person who has been licensed as a California commercial fisherman for at least 20 years at the time of application, and who does not qualify for a permit in (b)(2), (3), (4) or (5) above, and who has participated in the commercial nearshore fishery for at least one of those years as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, upon application shall be issued a Non-Transferable Nearshore Fishery Permit for one regional management area, based on the following minimum landing requirements in subdivision (A), (B), (C), or (D) below:

(A) landed at least [100 to 1,500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(6)(A) are designated Non-Transferable North Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(B) landed at least [100 to 1,500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(6)(B) are designated Non-Transferable North-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

(C) landed at least [100 to 3,000] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and

December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(6)(C) are designated Non-Transferable South-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

(D) landed at least [100 to 1,500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in [one calendar year between January 1, 1994 and December 31, 1999 or any one of the licensed years].

1. landings used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

2. Nearshore Fishery Permits issued pursuant to subsection (b)(6)(D) are designated Non-Transferable South Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(c) Capacity Goal. The capacity goal for each nearshore regional management area is as follows: [4 to 14] North Coast Region Nearshore Fishery Permits, [3 to 14] North-Central Coast Region Nearshore Fishery Permits, [6 to 25] South-Central Coast Region Nearshore Fishery Permits, and [5 to 45] South Coast Region Nearshore Fishery Permits. The capacity goal for Non-Transferable Nearshore Fishery Permits is zero.

Option E. Two-year moratorium on transferability

(d) Permit Transfers.

(1) If the number of Nearshore Fishery Permits in a regional management area as defined in Section 52.04, Title 14, CCR, is greater than the capacity goal for that regional management area on April 1, 2003, a two-year moratorium ending April 1, 2005, on permit transfers is in effect. If the number of Nearshore Fishery Permits in a nearshore fishery regional management area is above the capacity goal for that regional management area on April 1, 2005, the following provisions for permit transfers are in effect:

(A) A Nearshore Fishery Permit issued pursuant to this section may be voluntarily transferred by the permittee, if the transferee (person to whom the permit is to be issued) has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR. Until the number of permits in a regional management area equals or falls below the capacity goal for that regional management area, a permit may only be transferred if [one - two] additional transferable permits for the same regional management area are surrendered to the department for cancellation at the same time the application for the transfer is submitted to the department.

(B) A Nearshore Fishery Permit may be transferred pursuant to this Section to a person only if that person holds a commercial fishing license issued pursuant to Fish

and Game Code Section 7850 and submits to the department a notarized letter from each of the permittees described in subdivision (A), that each include a statement identifying the person to whom the Nearshore Fishery Permit is to be transferred and setting forth the conditions of the transfer.

(C) The application for transfer of a Nearshore Fishery Permit, in the form of a notarized letter, shall be submitted to the department by the transferee.

(D) Upon determining that the transferee of the Nearshore Fishery Permit is qualified to receive a Nearshore Fishery Permit and upon payment of all permit and transfer fees, the department shall issue a Nearshore Fishery Permit for that regional management area to the transferee that is valid for the remainder of the then current fishing season. At the time the permit transfer is complete the additional transferable Nearshore Fishery Permits are required to be surrendered by the transferee pursuant to subsection (d)(1)(A). If the transferee holds a Non-Transferable Nearshore Fishery Permit, that permit shall be cancelled.

(E) After the transfer of a person's Nearshore Fishery Permit, the former permit holder may not take, possess, transfer, or sell any nearshore fish stocks as described in Section 150.01, Title 14, CCR, for commercial purposes unless otherwise permitted by law.

(2) Should the number of Nearshore Fishery Permits in a regional management area fall below the capacity goal, the following provisions are in effect:

(A) Transferable Nearshore Fishery Permits for a nearshore regional management area will be made available, in order of preference, to those persons with a valid Non-transferable Nearshore Fishery Permit for that regional management area as described in Section 52.04, Title 14, CCR, who landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, in that regional management area during the prior calendar year, and who landed the highest total pounds of nearshore fish stocks at ports within that regional management area during the six-year period January 1, 1994 through December 31, 1999 as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(B) When only Transferable Nearshore Fishery Permits remain in a regional management area, transfer of Nearshore Fishery Permits in that region will be on a one-to-one basis.

(3) A transferable Nearshore Fishery Permit issued pursuant to this section may be transferred to the estate of a permittee who has died only for the purpose of transferring the Nearshore Fishery Permit to another person.

(A) Such transfer may be considered if the estate makes application, in the form of a notarized letter, for the transfer within one year of the date of death as listed on the death certificate.

(B) The estate is responsible for any permit renewal fees under subsection (k) of this Section or Section 150.03, Title 14, CCR.

(4) The Nearshore Fishery Permit in the estate of a deceased permittee may be transferred to any person who meets all of the following qualifications:

(A) The person, at that time, holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850.

(B) The person has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks.

(C) The transfer of the permit is subject to subsection (d) (1) and (2) above.

(5) A Nearshore Fishery Permit in the estate of a deceased permittee that is transferred to an immediate family member (spouse, child, grandchild, parent, or sibling) or to a partner as described in Fish and Game Code Section 8102 is exempt from the requirements in subsection (d)(1) and (2) above.

Option F. Immediate transferability

(d) Permit Transfers.

(1) If the number of Nearshore Fishery permits in a regional management area is greater than the capacity goal for that regional management area on April 1, 2003, the following provisions for permit transfers are in effect:

(A) A Nearshore Fishery Permit issued pursuant to this section may be voluntarily transferred by the permittee, if the transferee (person to whom the permit is to be issued) has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR. Until the number of permits in a regional management area equals or falls below the capacity goal for that regional management area, a permit may only be transferred if [one - two] additional transferable permits for the same regional management area are surrendered to the department for cancellation at the same time the application for the transfer is submitted to the department.

(B) A Nearshore Fishery Permit may be transferred pursuant to this section to a person only if that person holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850 and submits to the department a notarized letter from each of the permittees described in subdivision (A), that each include a statement identifying the person to whom the Nearshore Fishery Permit is to be transferred and setting forth the conditions of the transfer.

(C) Application for transfer of a Nearshore Fishery Permit, in the form of a notarized letter, shall be submitted to the department by the transferee.

(D) Upon determining that the transferee of the Nearshore Fishery Permit is qualified to receive a Nearshore Fishery Permit and upon payment of all permit and transfer fees, the department shall issue a Nearshore Fishery Permit for that regional management area to the transferee that is valid for the remainder of the then current fishing season. At the time the permit transfer is complete the additional transferable Nearshore Fishery Permits are required to be surrendered by the transferee pursuant to subsection (d)(1)(A). If the transferee holds a Non-Transferable Nearshore Fishery Permit, that permit shall be cancelled.

(E) After the transfer of a person's Nearshore Fishery Permit, the former permit

holder may not take, possess, transfer, or sell any nearshore fish stocks as described in Section 150.01, Title 14, CCR, for commercial purposes unless otherwise permitted by law.

(2) Should the number of Nearshore Fishery Permits in a regional management area fall below the capacity goal, the following provisions would be in effect:

(A) Transferable Nearshore Fishery Permits for a nearshore regional management area will be made available, in order of preference, to those persons with a valid Non-transferable Nearshore Fishery Permit for that regional management area as described in Section 52.04, Title 14, CCR, who landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, in that regional management area during the prior calendar year, and who landed the highest total pounds of nearshore fish stocks at ports within that regional management area during the six-year period January 1, 1994 through December 31, 1999 as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(B) When only Transferable Nearshore Fishery Permits remain in a regional management area, transfer of Nearshore Fishery Permits in that region will be on a one-to-one basis.

(3) A transferable Nearshore Fishery Permit issued pursuant to this section may be transferred to the estate of a permittee who has died only for the purpose of transferring the Nearshore Fishery Permit to another person.

(A) Such transfer may be considered if the estate makes application, in the form of a notarized letter, for the transfer within one year of the date of death as listed on the death certificate.

(B) The estate is responsible for any permit renewal fees under subsection (k) of this Section or Section 150.03, Title 14, CCR.

(4) The Nearshore Fishery Permit in the estate of a deceased permittee may be transferred to any person who meets all of the following qualifications:

(A) The person, at that time, holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850.

(B) The person has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks.

(C) The transfer of the permit is subject to subsection (d) (1) and (2) above.

(5) A Nearshore Fishery Permit in the estate of a deceased permittee that is transferred to an immediate family member (spouse, child, grandchild, parent, or sibling) or to a partner as described in Fish and Game Code Section 8102 is exempt from the requirements in subsection (d)(1) and (2) above.

(e) Application Deadline for Initial Issuance of Nearshore Fishery Permit. All applications and permit fees for initial issuance of Nearshore Fishery Permits under the restricted access program must be received by the department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial

issuance of Nearshore Fishery Permits under the restricted access program received by the department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a \$50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery Permits under the restricted access program postmarked or received after July 31, 2003 shall be returned to the applicant unissued.

(f) Nearshore Fishery Permit Renewal Requirements. Notwithstanding Fish and Game Code Section 8587, after April 1, 2004, Nearshore Fishery Permits for a regional management area will be issued annually by the department only to those persons who have held a valid Nearshore Fishery Permit for that regional management area in the immediately preceding permit year.

(g) Application Deadline for Nearshore Fishery Permit Renewal. All applications and permit fees for renewal of Nearshore Fishery Permits must be received by the department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Permits received by the department, or, if mailed, postmarked from May 1 through May 31 will be assessed a \$50 late fee. Applications and permit fees postmarked or presented after May 31 will not be considered and the Nearshore Fishery Permit applied for shall be cancelled and not available for renewal in subsequent years.

(h) Presence of Permit Holder on Vessel. At least one Nearshore Fishery Permit holder shall be on board at all times when taking, possessing aboard a boat, or landing nearshore fish stocks as described in Section 150.01, Title 14, CCR. If a support vessel is used, a permit holder shall be on each vessel when taking nearshore fish stocks.

(i) Gear Authorized for Use. Only hook-and-line gear consistent with restrictions of Section 150.17, Title 14, CCR, and gear authorized for use under a gear endorsement issued pursuant to Section 150.03, Title 14, CCR, shall be used to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR.

(j) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(2) Any applicant who is denied renewal of a Nearshore Fishery Permit for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(3) Any applicant who is denied transfer of a Nearshore Fishery Permit may appeal to the department in writing describing the basis for the appeal. The appeal

shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(k) Fees. Notwithstanding Fish and Game Code Section 8587, the fees for a Nearshore Fishery Permit under the restricted access program shall be as follows:

(1) The department shall charge an annual fee for each transferable Nearshore Fishery Permit of [one hundred twenty-five dollars (\$125) - one thousand, two hundred dollars (\$1200)].

(2) The department shall charge an annual fee for each Non-Transferable Nearshore Fishery Permit of [one hundred twenty-five dollars (\$125) - one thousand, two hundred dollars (\$1200)].

(3) The department shall charge a non-refundable fee of [two hundred fifty dollars (\$250) - one thousand dollars (\$1000)] for each permit transfer. If more than one permit is required for the transfer, a total of [two hundred fifty dollars (\$250) - one thousand dollars (\$1000)] shall be charged.

(l) Revocation of Permits. Any permit may be suspended, revoked, or canceled by the commission upon conviction of a violation of any provision of these regulations or Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder thereof, his agents, servants, employees or those acting under his direction and control.

NOTE:

Authority cited: Section 8587.1, Fish and Game Code. Reference: Sections 7850, 8043, 8046, 8102, 8496, 8587 and, 8587.1, 8589.5, 8589.7, and 8588, Fish and Game Code.

Section 150.01 Nearshore Fishery Permit Required, Title 14, CCR, is amended to read:

150.01. Nearshore Fishery Permit Required.

~~(a) Any person taking, possessing aboard a boat, or landing any species of nearshore fish stock listed in subsection (d) below for commercial purposes shall possess a valid nearshore fishery permit issued to that person that has not been suspended or revoked, except that when using a boat to take nearshore fish stocks at least one person aboard the boat shall have a valid nearshore fishery permit.~~

~~(b) Nearshore fishery permits are revocable.~~

~~(c) The fee for a nearshore fishery permit is one hundred and twenty five dollars (\$125).~~

~~(d) Notwithstanding Section 8587 of the Fish and Game Code, a nearshore fishing permit is required only for the commercial take of the following species of nearshore fish stocks: black-and-yellow rockfish, gopher rockfish, kelp rockfish, California scorpionfish, greenlings of the genus *Hexagrammos*, China rockfish, grass rockfish, California sheephead, and cabezon.~~

NOTE

Authority cited: Section ~~7071~~ and 8587.1, Fish and Game Code. Reference: Section ~~8585.5, 8587 and 8587.4~~, Fish and Game Code.

Section 150.03, Nearshore Fishery Control Date for Gear Endorsement program, Title 14, CCR, is amended to read:

§150.03. Nearshore Fishery ~~Control Date for~~ Gear Endorsement Program.

~~(a) A control date of October 20, 2000 is established for the purpose of developing and implementing a gear endorsement program for the nearshore fishery.~~

~~(b) In addition to any other requirements the Commission may adopt, only persons who meet the following conditions will be considered for inclusion in a future nearshore fishery gear endorsement program:-~~

~~(1) Possession of a valid Nearshore Fishery Permit issued pursuant to Fish and Game Code Section 8587, any other applicable permit or permits required to take and land nearshore fishes, and meeting the renewal requirements of Section 150, Title 14, CCR, and-~~

~~(2) Proof of having made at least one landing of nearshore fish in their own name on or before the control date using a specified gear type (traps and/or hook and line and/or nets) as documented by a fish landing receipt prepared pursuant to Fish and Game Code Section 8043 and submitted to the department pursuant to Fish and Game Code Section 8046.-~~

(a) The following regulations govern the qualification, issuance and appeals process of a gear endorsement program for the commercial take of nearshore fish stocks.

~~(e)~~ (b) Nearshore fish stocks are those listed in Section 150.01, Title 14, CCR.

(c) Qualifications for Gear Endorsement. A gear endorsement shall be issued upon application only to a person who has a valid 2003-2004 transferable Nearshore Fishery Permit, issued pursuant to Section 150, Title 14, CCR, for a specific regional management area as defined in Section 52.04, Title 14, CCR, based on the following qualifying criteria:

Option I. Three region management for gear endorsements

(1) North Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the North Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not be suspended or revoked, and

(B) at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trap gear as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the North Coast

Region as defined in Section 52.04, Title 14, CCR.

(2) Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the requirements of (A), or (B) and (C) below:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, or

(B) has a valid 2002-2003 general trap permit that has not been suspended or revoked and at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trap gear as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the Central Coast Region as defined in Section 52.04, Title 14, CCR.

Option I1. South coast regional management area trap endorsement
qualifying with a limited entry finfish trap permit only

(3) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has a valid 2002-2003 finfish trap permit that has not been suspended or revoked.

Option I2. South coast regional management area trap endorsement
qualifying with limited entry finfish trap permit,
minimum landings level, and landings value

(3) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of

[\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option I3. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit
and minimum landings level

(3) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option I4. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit, minimum
landings level, value and years of participation

(3) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to

1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option I5. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit, minimum landings level,
and years of participation

(3) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) has landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(4) South Coast Region Trawl Endorsement. A trawl endorsement allows the permittee to use trawl gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trawl endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied following requirements:

(A) at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trawl nets.

(B) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made from ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option J. Four region management for gear endorsements

(1) North Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the North Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(2) North-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the North-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(3) South-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the requirements of either (A); or (B) and (C) below:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, or

(B) has a valid 2002-2003 general trap permit that has not been suspended or revoked and at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000

were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option J1. South coast regional management area trap endorsement
qualifying with a limited entry finfish trap permit only

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has a valid 2002-2003 finfish trap permit that has not been suspended or revoked.

Option J2. South coast regional management area trap endorsement
qualifying with limited entry finfish trap permit,
minimum landings level, and landings value

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option J3. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit
and minimum landings level

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section

150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option J4. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit, minimum
landings level, value and years of participation

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(j), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and that sold for a minimum average ex-vessel price per pound of [\$0.01 to \$3.00] for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

Option J5. south coast regional management area trap endorsement
qualifying with limited entry finfish trap permit, minimum landings level,
and years of participation

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section

150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 finfish trap permit that has not been suspended or revoked, and

(B) landed at least [1 to 500] pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of [1 to 3] calendar years during the period 1994 to 1999, inclusive, and has made at least one landing of nearshore fish stocks in each of [1 to 6] calendar years during the period 1994 to 1999, inclusive.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(5) South Coast Region Trawl Endorsement. A trawl endorsement allows the permittee to use trawl gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(i), Title 14, CCR. A trawl endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has satisfied following requirements:

(A) at least 50% of the landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, made between January 1, 1994 and October 20, 2000 were taken with trawl gear.

(B) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(d) Transfer of Nearshore Fishery Permit Gear Endorsements. The transfer of a Nearshore Fishery Permit gear endorsement is subject to the provisions of Section 150(d), Title 14, CCR. Only one Nearshore Fishery Permit gear endorsement is required to transfer the gear endorsement to a new permittee.

(e) Application Deadline for Initial Issuance of Nearshore Fishery Permit Gear Endorsements. All applications and permit fees for initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program must be received by the department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program received by the department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a \$50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program postmarked or received after July

31, 2003 shall be returned to the applicant unissued.

(f) Nearshore Fishery Permit Gear Endorsement Renewal Requirements. After April 1, 2004, notwithstanding Fish and Game Code Section 8587, Nearshore Fishery Permit gear endorsements for a regional management area will be renewed annually by the department only to a person who has held a valid Nearshore Fishery Permit gear endorsement for that regional management area in the immediately preceding permit year.

(g) Application Deadline for Nearshore Fishery Permit Gear Endorsement Renewal. All applications and permit fees for renewal of Nearshore Fishery Permit gear endorsements must be received by the department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Permit gear endorsements received by the department, or, if mailed, postmarked from May 1 through May 31 will be assessed a \$50 late fee. Applications and permit fees for Nearshore Fishery Permit gear endorsements postmarked or presented after May 31 will not be considered and the Nearshore Fishery Permit gear endorsement applied for shall be cancelled and not available for renewal in subsequent years.

(h) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit gear endorsement for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(2) Any applicant who is denied renewal of a Nearshore Fishery Permit gear endorsement for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(3) Any applicant who is denied transfer of a Nearshore Fishery Permit gear endorsement may appeal to the department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(i) Fees. Notwithstanding Fish and Game Code Section 8587, the fees for a Nearshore Fishery Permit gear endorsement under the restricted access program shall be as follows:

(1) The department shall charge an annual fee for each Nearshore Fishery Permit gear endorsement of [thirty dollars (\$30) - seventy-five dollars (\$75)].

(2) the department shall charge a non-refundable fee of [thirty dollars (\$30) -

seventy-five dollars (\$75)] for each gear endorsement transfer.

(j) Revocation of Nearshore Fishery Permit Gear Endorsement. Any Nearshore Fishery Permit gear endorsement may be suspended, revoked, or canceled by the commission upon conviction of a violation of any provision of these regulations or Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder thereof, his agents, servants, employees or those acting under his direction and control.

NOTE

Authority cited: Section 8587.1, Fish and Game Code. Reference: Sections ~~8043~~, 8046 ~~8586 and 8587~~, 8589.5, and 8589.7, Fish and Game Code.

Option K. No provisions for a Nearshore Fishery Bycatch Permit.

This means that only those persons who have a current, valid Nearshore Fishery Permit may land nearshore fish stocks as described in Section 150.01, Title 14, CCR.

Option L. Nearshore Fishery Bycatch Permit

Add Section 150.05 Nearshore Fishery Bycatch Permit, to Title 14, CCR:

Section 150.05. Nearshore Fishery Bycatch Permit Program.

(a) A Nearshore Fishery Bycatch Permit authorizing the take, possession aboard a vessel, or landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, and in the manner and amount described below may be issued to a person who meets the following conditions:

(A) has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked.

(B) The person is not eligible for a 2003-2004 Nearshore Fishery Permit, or the person is eligible for a 2003-2004 Nearshore Fishery Permit based on landings made with gear not authorized under Section 150 or 150.03, Title 14, CCR, and chooses not to convert to the gear authorized pursuant to Section 150.03 or 150.17, Title 14, CCR.

(2) Only trawl or entangling nets shall be used to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, under a Nearshore Fishery Bycatch Permit issued pursuant to this section.

(3) Nearshore Fishery Bycatch Permits are non-transferable.

(4) Notwithstanding, Section 120.3, Title 14, CCR, and Fish and Game Code Section 8496, a person holding a Nearshore Fishery Bycatch Permit may take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, under the following trip limits:

Option M. Three region option for bycatch trip limits

(A) North Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

(B) Central Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

(C) South Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

Option N. Four region option for bycatch trip limits

(A) North Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

(B) North-Central Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

(C) South-Central Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken per [day-trip].

(D) South Coast Region. [1 - 100] pounds of nearshore fish stocks may be taken

per [day-trip].

(b) Application Deadline for Initial Issuance of Nearshore Fishery Bycatch Permits. All applications and permit fees for initial issuance of Nearshore Fishery Bycatch Permits must be received by the department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial issuance of Nearshore Fishery Bycatch Permits under the restricted access program received by the department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a \$50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery Bycatch Permits under the restricted access program postmarked or received after July 31, 2003 shall be returned to the applicant unissued.

(c) Nearshore Fishery Bycatch Permit Renewal Requirements. Notwithstanding Fish and Game Code Section 8587, after April 1, 2004, Nearshore Fishery Bycatch Permits will be renewed annually by the department only to a person who has held a valid Nearshore Fishery Bycatch Permit in the immediately preceding permit year.

(d) Application Deadline for Nearshore Fishery Bycatch Permit Renewal. All applications and permit fees for renewal of Nearshore Fishery Bycatch Permits must be received by the department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Bycatch Permits received by the department, or, if mailed, postmarked from May 1 through May 31 will be assessed a \$50 late fee. Applications and permit fees postmarked or presented after May 31 will not be considered and the Nearshore Fishery Bycatch Permit applied for shall be cancelled and not available for renewal in subsequent years.

(e) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Bycatch Permit for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(2) Any applicant who is denied renewal of a Nearshore Fishery Bycatch Permit for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(f) Fees. The department shall charge an annual fee for each Nearshore Fishery Bycatch Permit of [fifty dollars (\$50) - two hundred fifty dollars (\$250)].

(g) Revocation of Nearshore Fishery Bycatch Permit. Any permit may be suspended, revoked, or canceled by the commission upon conviction of a violation of any provision of these regulations or fish and game code pertaining to the commercial take of

nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder thereof, his agents, servants, employees or those acting under his direction and control.

Note:

Authority cited: Section 8587.1, Fish and Game Code.

Reference: Section(s) 7850, 8496, 8587, 8587.1, 8588, and 9025 - 9029.5, Fish and Game Code.